

OFFICIAL WARNING



VIOLATION OF FEDERAL REGULATIONS

CASE NO.

MN 11012

VIOLATOR

Customer # 38251
Certificate # 41-C-0203
Joan Hemker
Hemker Park and Zoo

ADDRESS (Street, City, State, Zip Code)

Box 262
Freeport, MN 56331

The Department of Agriculture has evidence that on or about **October 4, 2010 - July 13, 2009** you or your organization committed the following violation of Federal Regulations:

9 CFR, SECTION

Failure to

3.125 (a)

- Construct facility of such material and of such strength as appropriate for the animals involved. Indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

(**The south side of the enclosure containing two foxes had a small section of chicken wire patched over the primary fencing near the bottom. The chicken wire fencing had sharp points along the edges of the section and several of these points were protruding into the pen.

**The east side of the enclosure housing one raccoon also had a small section of chicken wire patched over the primary fencing along the bottom. Sharp points were present and sticking into the pen.

**The enclosure housing three African Crested Porcupines had a section of smaller wire mesh fencing patched over the primary fencing. The edges of this section had sharp wire points present inside the enclosure.)

3.127 (a)

- When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight.

(Enclosures for the MuskoX and the Llama did not have shelter from sunlight.)

3.127 (b)

- Provide natural or artificial shelter for all animals kept outdoors to protect and prevent discomfort from inclement weather.

(Enclosures for the MuskoX and the Llama did not have shelter from inclement weather.)

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS Official.

APHIS OFFICIAL (Name and Title) Elizabeth Goldentyer, DVM Regional Director		OFFICE ADDRESS: 920 Main Campus Dr., Suite 200 Raleigh, NC 27606 TELEPHONE NO. AC (919) 855-7100
SIGNATURE <i>Michael Smith</i>	DATE ISSUED <i>12-15-10</i>	DATE RECEIVED:
FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)		

FOR CERTIFIED MAIL - RECEIPT NO:

7009 1680 0000 9534 2631

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(JUN 91) **PART 1 - VIOLATOR**